

**ARTICLE XXVI. REGULATION OF SIGNS****Sec. 80-26.1. Purpose and intent.**

The purposes of these signage regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

(Ord. No. 7802, 4-28-04)

**Sec. 80-26.2. Definitions.**

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

*Advertising sign:* A sign that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. Also Billboard.

*Billboard:* See Advertising sign.

*Building frontage:* The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

*Canopy:* A permanent, roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic.

*Marquee:* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Shopping center:* A group of four or more retail establishments sharing a common site and having either common walls or a common roof structure.

*Sign:* Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

*Sign area:* Net geometric area of a sign shall be computed by including angles, circles or semicircles of the display, including borders and solid background, or building walls; only one face of a double-faced sign shall be considered in determining the sign area, provided both faces are parallel.

*Sign, billboard:* See Advertising sign.

*Sign, business identification:* A sign which directs attention to the business, commodity, service, entertainment or profession conducted upon the premises.

*Sign, flashing:* Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

*Sign, freestanding:* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

*Sign, illuminated:* A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

*Sign, projecting:* A sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double-faced projecting signs is calculated using only one face of the sign.

*Sign, roof:* A sign that is partially or wholly attached to, erected on or supported by the roof of a building or structure.

*Sign, temporary:* Any sign intended to be displayed for a limited period of time and not to be permanently affixed.

*Sign, wall:* A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

(Ord. No. 7802, 4-28-04)

### **Sec. 80-26.3. General regulations.**

The following regulations shall apply to all signs:

- (a) All signs shall be constructed in accordance with New York State Uniform Fire Prevention and Building Code, shall be maintained in good condition, shall be kept free of defects or hazards and shall not be allowed to become dilapidated or deteriorated.
- (b) Signs shall not be erected within the public right-of-way, which for the purpose of this section shall be construed to extend to and include the sidewalks on both sides of every street having same.
- (c) No sign shall obstruct any fire escape (or door leading thereto) or window, nor shall any sign be attached to a fire escape.
- (d) All signs shall be plainly marked with the name and address of the applicant and/or proxy owner relative to said sign.

(Ord. No. 7802, 4-28-04)

### **Sec. 80-26.4. Exempt signs.**

The following types of nonilluminated signs shall not require a permit provided that such signs conform to the provisions of this Code:

- (a) *Artisan signs.* Signs of mechanics, painters and other artisans may be erected on the customer's premises during the period such artisans are performing work on said premises, provided:
  - i. The sign area shall not exceed 12 square feet.
  - ii. Such signs shall be removed by said artisan promptly upon completion of the work.
- (b) *Construction site identification signs.* Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors and funding sources and may contain related information, including but not limited to sale or leasing information. Not more than one sign may be erected per site and it may not exceed a sign area of 32 square feet. Such signs shall not be erected prior to the issuance of a building permit or preliminary subdivision plat approval.

(c) *Directional or instructional signs.* Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not exceed two square feet in area, signs identifying rest rooms, public telephones, walkways, or signs providing instruction such as "no parking," "no dumping," "no trespassing," and those of similar nature.

(d) *Flags.* Flags, pennants or insignia of any government or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.

(e) *Governmental signs* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service or safety which are erected by or on the order of a public officer in the performance of their public duty.

(f) *Nameplates and identification signs.*

i. Signs indicating the name and/or address of the occupant, or a permitted home occupation, provided that they shall not be larger than four square feet in area; only one such sign per dwelling unit shall be permitted, except in the case of lots with more than one frontage, in which case one sign for each frontage shall be permitted.

ii. In multiple-family residential districts, for buildings other than dwellings, a single identification sign not exceeding eight square feet in area and indicating only the name and address of the building and the name of the management may be displayed, except in the case of lot with more than one frontage, in which case one sign for each frontage shall be permitted.

(g) *Real estate sale or rental signs.* Signs advertising the sale or rental of the premises upon which they are located with the name of the owner or broker, or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of the person(s) affecting the sale or rental may be erected or maintained, provided:

i. The size of any such sign is not in excess of six square feet for residential property.

ii. The size of any such sign is not in excess of 12 square feet for nonresidential property.

iii. Not more than one sign shall be placed upon property unless such property fronts on more than one street, in which event one sign may be erected on each frontage.

iv. Such sign(s) shall be removed within 30 days after the premises has been sold or rented.

(h) *Signs accessory to parking areas.* Signs designating entrances or exits to or from a parking area are limited to one (1) sign for each exit and entrance, said signs to be limited to a maximum size of four (4) square feet; each parking area shall be permitted one (1) sign designating identity and restrictions for parking (except in the case of parking areas with more than one (1) frontage, in which case one (1) sign facing each street may be permitted) and shall be limited to a maximum size of twelve (12) square feet.

(Ord. No. 7802, 4-28-04)

**Sec. 80-26.5. Business identification signs.**

Business signs shall be granted a permit upon compliance with the following provisions:

- (a) *Sign area standards.* The maximum total sign area of any business sign shall be based on a ratio of the linear footage of building frontage illustrated in schedule 80-26.5 (a):

TABLE INSET:

Schedule 80-26.5(a) Sign Area Standards by Zoning District	
Zoning District	Sign Area (Sq. Ft./ Building Frontage Ratio)
Residential professional (R/P)	1/2:1
Neighborhood commercial (C-1)	1/2:1
Mixed commercial/residential (C-2)	1:1
General commercial (C-3)	3:1
Central commercial (C-4)	2:1
Hospitality (H-D)	2:1
Business and industrial park (E-1)	3:1
Light industrial (E-2)	4:1
Industrial (E-3)	4:1
Scrap and salvage (S-S)	2:1
Natural products and hazards (NPH)	2:1
Rural residential (R-R)	3:1
Airport approach (A-A)	3:1

(b) *Placement standards.*

- i. *Wall signs.* No attached wall sign shall extend beyond the roofline or the end of the wall to which it is attached or project away from the building wall more than twelve (12) inches.
- ii. *Projecting or hanging signs.* No projecting sign shall project more than six (6) feet from the main wall of a building upon which it is mounted. Any projecting or overhanging sign shall provide not less than ten (10) feet of clearance between the bottom of the sign and the existing ground level (these limitations shall not apply to permanently constructed building canopies, arcades, theater marquees or pedestrian shelters).
- iii. *Freestanding signs.* One (1) freestanding sign is permitted for each developed parcel or premises having frontage on a public right-of-way, not to exceed the permitted sign area ratio in the district where the parcel is located and the following standards:
  - a. Freestanding signs shall not be located within five (5) feet of any lot line.
  - b. Freestanding signs shall not extend more than twenty (20) feet above ground level, except in the case of shopping centers, which may extend thirty (30) feet above ground level.
  - c. When located within twenty (20) feet of any lot line, freestanding signs shall either provide a clear space of not less than ten (10) feet between the bottom of such sign and the curb level or extend no more than four (4) feet above ground level.

(d) *Illuminating signs.* Any illumination of signs shall meet the following standards:

- i. No sign shall flash or include artificial light that is not maintained stationary and constant in intensity and color at all times.
- ii. Illuminating signs shall be so arranged so as to prevent direction thereof upon a public street or adjacent premises that may constitute a traffic hazard or public nuisance.
- iii. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into public right-of-way or residential premises.
- iv. Signs shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business.

(Ord. No. 7802, 4-28-04; Ord. No. 8038, 11-9-05)

**Cross references:** Businesses, ch. 18.

### **Sec. 80-26.6. Common signage plan.**

(a) Common signage plans may be established by the following lot owners:

- i. Owners of two (2) or more contiguous (disregarding intervening streets and alleys) lots;
- ii. The owner of a single lot with more than one (1) building (not including any accessory building) and
- iii. The owner of a single lot with one (1) building with more than one (1) business store front (including, but not limited to, shopping centers).

(b) A common signage plan conforming to the provisions of this section, a twenty-five percent (25%) increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elect.

(c) A common signage plan shall contain the following:

- i. An accurate plot plan of the lot, at such scale as the codes enforcement officer may reasonably request.
- ii. Location of buildings, parking lots, and driveways on such lot.
- iii. Computation of the maximum total sign area for the individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this code.
- iv. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
- v. Specification of standards for consistency among all signs on the lots affected by the plan with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, material and sign proportions.

(Ord. No. 7802, 4-28-04)

### **Sec. 80-26.7. Advertising signs.**

Advertising signs shall be granted a permit upon compliance with the following provisions:

- (a) Advertising signs shall be permitted only in E-2, E-3, C-3 zoning districts.
- (b) Advertising signs shall be no closer to one another than five hundred (500) feet.
- (c) No advertising sign shall be permitted within two hundred (200) feet of any residential property, school, library, church, hospital or similar institutional use.
- (d) All advertising signs shall conform to the minimal yard requirements of the applicable zoning district.
- (e) No advertising sign shall exceed four hundred (400) square feet in sign area.

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.8. Temporary signs.**

- (a) Temporary signs including, but not limited to, political posters, banners and promotional devices (but not to include signs designating garage sales) shall require a permit; such permit shall expire five days after the election or event advertised has concluded or in any case shall expire 90 days after issuance thereof. Such a temporary sign shall not be attached to fences, trees or utility poles and shall not be placed in a position that obstructs or impairs vision of traffic or creates a hazard or nuisance. A security deposit shall accompany permits for temporary signs in accordance with the fee schedule set by resolution by the common council.
- (b) Except for political signs, permits for temporary signs shall not:
  - i. Authorize more than one sign; and/or
  - ii. Be reissued within a given calendar year.
- (c) For political signs:
  - i. A single permit is required to authorize the distribution of a single or multiple signs for a single election.
  - ii. A permit issued for a primary election may be renewed for a general election at no additional cost to the applicant.
- (d) In the event such temporary sign has not been removed upon expiration of the permit, the codes enforcement officer shall cause that sign to be removed, the cost of which is to be charged to the applicant by deducting the same from the deposit.
- (e) Temporary signs size limitations:
  - i. Temporary signs shall not exceed 32 square feet in sign area in C-2, C-3, C-4, E-1, E-2 or E-3 districts.
  - ii. In all other districts temporary signs shall not exceed 16 square feet in sign area.
- (f) The top of any temporary sign shall be no higher than six feet from the ground.

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.9. Inflatable signs.**

- (a) *Inflatable signs.* Inflatable signs shall only include cold-air inflatable signs.
- (b) *Permit required.* A temporary inflatable sign permit is required for any inflatable sign.
- (c) *Location.* A temporary inflatable sign shall be permitted only in a C-3 district or for special events sponsored or cosponsored by the city. The sign shall not extend into the required zoning

setbacks or into the public right-of-way.

(d) *Number.* Only one temporary inflatable sign permit shall be granted for a single location at one time. A temporary inflatable sign permit may be granted up to three times in any calendar year.

(e) *Term.* Each temporary inflatable sign permit may be granted for a period of not more than 30 consecutive days.

(f) *Area.* Lettering or advertising on the inflatable sign may not exceed an aggregate of 150 square feet. The width and height of the inflatable shall not exceed 25 feet.

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.10. Prohibited signs.**

(a) *Abandoned Signs:* Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located is prohibited.

(b) *Flashing signs.*

(c) *Miscellaneous signs and posters.* The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structure is prohibited unless otherwise permitted by this code.

(d) *Parking of advertising vehicles.* No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement.

(e) *Roof signs.*

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.11. Permit requirement and fees.**

(a) No person shall erect, alter or reconstruct any sign (excepting exempt signs specified in section 80-26.4) without first having obtained a permit from the codes enforcement officer.

(b) Application for a sign permit shall be made in writing on forms provided by the codes enforcement officer, and shall contain the following information:

i. Name, address and telephone number of applicant.

ii. Location of structure or real property upon which the sign is to be attached or erected.

iii. A drawing (to scale) shall be submitted showing the construction details, lettering, and/or pictorial matter and position of lighting and other extraneous devices (such information shall not be required for the issuance of a temporary sign).

iv. Written consent of the owner of the structure or real property upon which the sign is to be erected in the event the applicant is not the property owner.

(c) Each sign permit application shall be accompanied by a fee as established by resolution of the common council to help defray the cost of handling the application, no part of which is refundable.

(d) Upon issuance of a sign permit (other than for a temporary sign), the applicant shall have a six-month period in which to erect, alter or reconstruct said sign; following the expiration of said period of time, the permit shall be null and void, but may be extended for an additional six-month period for good cause shown and upon payment of half of the original fee paid.

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.12. Required maintenance.**

(a) The owner of any pre-existing or new sign regulated by this code shall properly paint or cause to be painted, at least once every three years, painted parts, and supports of the sign unless the same are galvanized or otherwise treated to prevent rust.

(b) Any sign found to be broken, damaged, or unsafe upon inspection by the codes enforcement officer shall be repaired or made secure by the applicant, sign owner or property owner. The codes enforcement officer shall give notice by registered or certified mail, return receipt requested, to any of the above-named persons to repair or remove such unsafe sign within five days of receipt of said notice. If the sign is not repaired, made secure or removed within 30 days, or within such additional time as the codes enforcement officer may allow, the codes enforcement officer shall revoke the permit issued for such sign and shall thereafter remove said sign. If a sign is found to be a source of imminent peril to persons or property, the codes enforcement officer shall cause said sign to be removed or otherwise made safe without notice to the applicant, sign owner or property owner.

(c) In the case of a sign which advertises a defunct business or product so that the content of the sign is no longer appropriate to the purpose(s) for which it was intended, such sign shall be removed by the applicant, sign owner or property owner within 60 days of receipt of written notification by the codes enforcement officer by registered or certified mail, return receipt requested, or within such additional time as the codes enforcement officer may allow.

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.13. Signs for nonconforming uses.**

Upon receipt of an applicant for a permit to erect, alter or reconstruct a sign upon premises having a nonconforming use as defined by section 80-18, the codes enforcement officer shall refer said application to the zoning board of appeals, said board to hear and determine whether such permit application should be granted, such determination to be based upon the following criteria:

(a) The sign must have a reasonable commercial need, must be the minimum necessary to meet such commercial need, and shall in no event exceed the requirements as hereinbefore set forth in this article.

(b) The sign shall contain no advertising matter not specifically related to the use of the premises.

(c) The sign shall not conflict, offend or interfere with the conforming uses in the immediate vicinity.

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.14. Enforcement of sign regulations.**

(a) *Notice.* Whenever the codes enforcement officer determines that there has been a violation of this article, written notice shall be served upon the applicant, sign owner, or property



owner by registered or certified mail, return receipt requested, at his last known address. Such notice shall specify the alleged violation, provide a reasonable time within which the violation is to be corrected, state what legal remedies will be imposed upon failure to correct said violation, and inform said individuals of their rights pursuant to section 80-22.5 (Appeals to the zoning board of appeals). Such notice of violation shall automatically become a final order if the violation is not corrected within the time allowed or if an application for appeal in accordance with section 80-22 is not submitted to the codes enforcement officer within seven days from receipt of said notice.

(b) *Removal of sign; storage; sale.* Upon failure of the applicant, sign owner or property owner to correct cited violation within the time allowed by the codes enforcement officer, or to apply for an appeal as provided by section 80-22 of this chapter, the codes enforcement officer by written instruction to the commissioner of public works shall direct that the violating sign be removed. Such sign shall be stored for a 30-day period during which the sign may be claimed upon proof of ownership thereof and upon payment for the reasonable cost of removal and storage as determined by said commissioner. If the sign is not claimed, the codes enforcement officer is authorized to sell the stored sign at the public auction to the highest bidder or to otherwise dispose of said sign at his discretion and to apply the proceeds, if any, to the removal and storage costs.

(Ord. No. 7802, 4-28-04)

#### **Sec. 80-26.15. Historic and scenic preservation commission approval.**

Sign applications affecting those areas subject to regulation by historic and scenic preservation commission regulations (section 80-31) shall be accompanied by a written statement from the chairman of the historic and scenic preservation commission that the sign application has been reviewed and approved by the planning board.

(Ord. No. 7802, 4-28-04)

**Cross references:** Historic and scenic preservation commission regulations, § 80-31.